

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations

(Sierra Vista, Arizona and Tanque Verde, Arizona))

MM Docket No. 05-245
RM-11264

RECEIVED

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To: Chief, Audio Division, Media Bureau

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Federal Communications Commission
Office of Secretary

COMMENTS OF CCR-SIERRA VISTA IV, LLC

CCR-Sierra Vista IV, LLC ("CCR"), the licensee of FM broadcast station KZMK, Sierra Vista, Arizona, by its attorneys, hereby submits its comments in response to the *Notice of Proposed Rulemaking*, DA 05-2208, released July 29, 2005, in the above-referenced proceeding ("NPRM"). The NPRM proposes to amend Section 73.202(b) of the Commission's rules, the FM Table of Allotments, to delete Channel 265A from Sierra Vista, Arizona and to add channel 265A to Tanque Verde, Arizona, and modify the license of KZMK accordingly. CCR supports the proposed changes.

CCR initiated the instant proceeding through a Petition for Rulemaking submitted on June 8, 2005, which these comments hereby incorporate by reference. CCR proposed the above described changes to KZMK's authorization in compliance with Section 1.420(i) of the Commission's rules, which allows a licensee to modify the license of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present allotment without permitting other parties to file competing expressions of interest. CCR demonstrated that the proposed change is mutually exclusive with KZMK's

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current authorization; that the proposed change would not deprive Sierra Vista of its sole local transmission service; and that the proposed change would result in a preferential arrangement of allotments consistent with the Commission's rules and policies.

CCR also included information to establish that Tanque Verde is a community for allocation purposes. The Commission acknowledged that Tanque Verde is a Census Designated Place, which raises a rebuttable presumption that an area is a community for allotment purposes. NPRM at ¶ 2. However, the Commission has requested further information "demonstrating that Tanque Verde is a 'community' for allotment purposes." *Id.* A petitioner may establish that a locality is a community for allotment purposes by demonstrating that it has "social, economic, cultural or governmental indicia which identify it as a community."¹ Tanque Verde has many of the social, economic and cultural criteria of a community, including:

- *Political* – Tanque Verde maintains an independent school district which enrolls more than 1,600 students. The Tanque Verde community also includes social services, such as daycare and senior services, a post office and libraries.²
- *Social* – Various social organizations serve Tanque Verde's citizens, including the Tanque Verde Valley Democratic Club, the Tanque Verde Little League and the Tanque Verde Soccer Club.³
- *Economic/Commercial* – Numerous retail and service establishments serve Tanque Verde, including restaurants, accountants, banks, legal services, beauty salons, car dealers, convenience stores, bookstores, drug stores, health clubs, dentists, doctors and senior services, some of which include Tanque Verde in their name (e.g., Tanque Verde Motors, Tanque Verde Ranch, the Lew Sorenson Tanque Verde Center and Tanque Verde Greenhouse).⁴

¹ *Thermopolis and Story, WY*, 16 FCC Rcd 13066, 13068 (MM Bur. 2001), citing *Avon, North Carolina*, 14 FCC Rcd 3939, 3940 (MM Bur. 1999).

² See Exhibit A attached hereto.

³ See Exhibit B attached hereto.

⁴ See Exhibit C attached hereto.

- *Religious* – Tanque Verde has numerous churches, including the Tanque Verde Baptist Church and the Tanque Verde Lutheran Church.⁵

The above information provides ample evidence that Tanque Verde is a distinct geographical location around which its residents' interests coalesce. In addition, Tanque Verde's indicia of community are in line with Commission precedent with respect to "indicia of community." For example, the Commission found Shawsville, Virginia to be a community for allotment purposes because Shawsville was listed with the U.S. Census and had its own schools.⁶ The Commission found Hornbrook, California, an unincorporated area, to be a community because several businesses identified themselves as associated with Hornbrook by their names and various county and other governmental services were located in the community as well as an elementary school.⁷ Accordingly, the Commission should find that Tanque Verde is a community for allotment purposes and grant of the proposed changes to KZMK's authorization is in the public interest.

CCR hereby reaffirms that if the Commission grants the changes proposed in the NPRM, CCR intends to operate KZMK on channel 265A at Tanque Verde, Arizona, and will submit an application to modify KZMK's authorization accordingly and construct the station expeditiously.

⁵ See Exhibit D attached hereto

⁶ *Shawsville, VA*, 2 FCC Rcd 11624 (MM Bur. 1997)

⁷ *Hornbrook, CA*, 16 FCC Rcd 2897 (MM Bur. 2001). See also *Arnoldsburg, WV*, 15 FCC Rcd 9210, 9212 (MM Bur. 2000) (finding Arnoldsburg a community based on an elementary school, businesses which incorporated the name Arnoldsburg, and the community's location on maps).

WHEREFORE, CCR-Sierra Vista IV, LLC respectfully requests that the Commission effectuate the changes proposed in the NPRM: amend the FM Table of Allotments to delete channel 265A at Sierra Vista, allot channel 265A to Tanque Verde, Arizona and amend KZMK's license accordingly.

Respectfully submitted,

CCR-SIERRA VISTA IV, LLC

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Washington, DC 20005
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Its Attorneys

September 19, 2005

EXHIBIT A

TANQUE VERDE UNIFIED SCHOOL DISTRICT

11150 E. TANQUE VERDE RD. TUCSON, AZ 85749

EXCELLENCE IS OUR GOAL. UNDERSTANDING OUR FOUNDATION

Our Mission

It is the mission of the Tanque Verde School District to prepare the children who attend its schools for the responsibilities and challenges of the present and future by providing quality educational programs and effective schools while striving to understand their academic, psychological, physical and social needs.

Our Management Team

Dr. Michael Schwanenberger, Interim Superintendent
Martin O'Shea, Deputy Administrator, Business and Finance
Jon Nichols, Curriculum and Instructional Support Coordinator / CDP Lead Teacher
Marilyn Huestis, District Psychologist / Special Ed
Lisa Cervantez, Human Resources
Susan Centers, TVES Principal
Diane Lemley, ACES Principal
Bob Lombardi, Tanque Verde HS / Emily Gray JH Principal
Gary Reed, Tanque Verde HS / Emily Gray JH Assistant Principal
Jose Monterrosa, Director of Maintenance
Carolyn Gould, Director of Transportation

Our EXCELLING Schools

Tanque Verde Elementary
School



Agua Caliente Elementary
School



Emily Gray Junior High



Tanque Verde High School



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TANQUE VERDE UNIFIED SCHOOL DISTRICT

11150 E. TANQUE VERDE RD. TUCSON, AZ 85749

EXCELLENCE IS OUR GOAL. UNDERSTANDING OUR FOUNDATION

Tanque Verde Governing Board

[Upcoming Meeting Agenda](#)

[School Board Goals](#)

[School Board Policies](#)

[Board Meeting Schedules and Procedures](#)

[Board Meeting Minutes](#)

Click [here](#) to read a special letter from the school board to the community (posted July 5, 2005).

[Your Governing Board](#)

[Karen Close, Board President](#)

[Lisa South, Board Clerk](#)

[Doug Hughes, Board Member](#)

[Peter Livingston, Board Member](#)

[Wayne Peate, Board Member](#)

The Board is composed of five district residents each elected to four year terms. Members serve without pay. The

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TANQUE VERDE UNIFIED SCHOOL DISTRICT

11150 E. TANQUE VERDE RD. TUCSON, AZ 85749

EXCELLENCE IN EDUCATION. UNDERSTANDING OUR FOUNDATION

Our History

The Tanque Verde District is located in the verdant Tanque Verde Valley (Northeast edge of Tucson). The 77 square mile district is bounded on the north by the beautiful Catalina Mountains and on the east by the Rincon Mountains. The colorful history of the Tanque Verde Valley is reflected in its name. "Tanque Verde" means "green tank" in Spanish and is probably a reference to an algae filled stock watering tank in the area. Two seasonal watercourses, the Tanque Verde Wash and the Agua Caliente Wash, traverse the valley. The Valley is rich in western history. This area was frequently visited by Apache Indians as well as soldiers from nearby Ft. Lowell.

When the District was first organized in 1886, the Tanque Verde Valley was very remote from Tucson. Residents of the tiny Tanque Verde settlement and Valley ranchers decided to create a school close to home. They chose an adobe building in the area of Freeman Road and Speedway Boulevard to house the new school. Tanque Verde became District 13 when the "new" school on the other side of the Tanque Verde Wash was built in 1923 (the present Lew Sorenson Educational Resource Center). (see map)

The District is composed of three schools: Agua Caliente Elementary (K-6), Tanque Verde Elementary (K-6), and Emily Gray Junior High (7-9). Today there are over 1600 students enrolled in the three schools with another 400+ attending high school on a tuition basis in Tucson Unified School District #1. The District has an operating budget of approximately 8.2 million dollars and employs 213 certified and classified personnel.

The District has very high academic standards as evidenced by the children's test scores, which are among the highest in the state, far exceeding state and national norms. Tanque Verde students have received recognition in many areas, particularly science and music. The District has received nine Golden Bell Awards from the Arizona School Boards Association for program excellence, two Christa McAuliffe Awards, and seven Teacher of the Year Awards in specialty areas, as well as several distinguished administrator awards. The District receives broad based community support and utilizes a large number of parent volunteers. The faculty, staff, and

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TANQUE VERDE HIGH SCHOOL

HOME OF THE HAWKS

A Twenty First Century School

Welcome to the new Tanque Verde High School!

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News

Academics

Activities and Clubs

Grade Check

Calendar

21st Century Skills

Principal Bob Lombardi
Assistant Principal Gary Reed
4201 N. Melpomene Way
Tucson, AZ 85749
Main Number: (520) 749-3838
Fax: (520) 749-9668
Attendance: (520) 749-3950

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Business Name:	Address:	Miles**
<u>Renewal Counseling</u> (520) 731-2055	10355 E 29th St Tucson, AZ Map	4.1
<u>Make-A-Wish Foundation</u> (520) 623-9474	8802 E Broadway Blvd # 139 Tucson, AZ Map	4.5
<u>Pima Council On Aging/Area</u> (520) 790-7262	8467 E Broadway Blvd Tucson, AZ Map	4.9
<u>Old Pueblo Daycare</u> (520) 546-1591	7831 E Wrightstown Rd Tucson, AZ Map	5.1
<u>Old Children's Svc Inc</u> (520) 760-2782	7831 E Wrightstown Rd Tucson, AZ Map	5.1
<u>Old Pueblo Community Foundatn</u> (520) 546-0122	8230 E Broadway Blvd # W8 Tucson, AZ Map	5.1
<u>Casa Santa Clara Transitional</u> (520) 546-0122	8230 E Broadway Blvd # W8 Tucson, AZ Map	5.1
<u>Oasis House For Women</u> (520) 546-0122	8230 E Broadway Blvd # W8 Tucson, AZ Map	5.1

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Business Name:	Address:	Miles**
US Post Office (800) 275-8777	1099 S Pantano Rd Tucson, AZ Map	5.9
US Post Office (800) 275-8777	6460 E Grant Rd Tucson, AZ Map	6.9
US Post Office (800) 275-8777	5401 E 5th St Tucson, AZ Map	8.4
US Post Office (800) 275-8777	255 N Rosemont Blvd Tucson, AZ Map	8.8
US Post Office (800) 275-8777	Davis Monthan, AZ Map	9.5
US Post Office (800) 275-8777	2100 E Speedway Blvd Tucson, AZ Map	12.0
US Post Office (800) 275-8777	1700 E River Rd Tucson, AZ Map	12.6
College Station (520) 629-9268	825 E University Blvd # 111 Tucson, AZ Map	13.1

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All Businesses

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Business Name:	Address:	Miles**
Kirk Bear Canyon Library (520) 791-5021	8959 E Tanque Verde Rd Tucson, AZ Map	3.8
Arabian Horse Owners Fndtn (520) 760-0682	4101 N Bear Canyon Rd Tucson, AZ Map	4.2
Miller-Golf Links Library (520) 791-5524 Web Site	9640 E Golf Links Rd Tucson, AZ Map	5.1
Wilmot Branch Public Library (520) 791-4627	530 N Wilmot Rd Tucson, AZ Map	7.3
Bruce Cole Memorial Library (520) 721-3925	350 N Wilmot Rd Tucson, AZ Map	7.3
Dusenberry River Branch Libry (520) 791-4979	5605 E River Rd # 105 Tucson, AZ Map	8.1
Tucson Medical Ctr Library (520) 324-5140	5301 E Grant Rd Tucson, AZ Map	8.4
Columbus Public Library (520) 791-4081	4350 E 22nd St Tucson, AZ Map	10.0

EXHIBIT B

	<p>Welcome to</p> <h1>Tanque Verde Voices</h1> <p>the official website of the</p> <h2>Tanque Verde Valley Democratic Club</h2>							
Home	About Us	The Issues	Join Us	Events	Library	The Valley	Links	Members

Welcome to the Tanque Verde Valley Democratic Club web site. We are a political group organized under the auspices of the Pima County Democratic Party. The Tanque Verde Valley is a region in the northeast corner of the Tucson Basin. Membership is open to Democrats and Independents in the Tanque Verde area. The service area of the club is primarily north of Speedway Boulevard, and from the Sabino Canyon area east through the Tanque Verde Valley. If you're interested in joining the club, contact our secretary (secretary@tanqueverdedems.org) or our chairman (chairman@tanqueverdedems.org). Thanks for your interest.

THE TVVD ISSUES FORUM ON THE NATIONAL DEBT SCHEDULED FOR AUGUST 22 AT SORENSEN CENTER HAS BEEN POSTPONED. KEEP WATCHING FOR A NEW DATE ANNOUNCEMENT.

We added a couple of documents to the Library (Finally). [Click over and take a look.](#)

Pima County Democratic Party

[Home](#)[Get Involved](#)[Contribute](#)[Calendar](#)[Pima County](#)[Legislative Districts](#)[State & National](#)[Clubs](#)[Contact Us](#)[Links](#)

Tanque Verde Valley Democratic Club

Our club is a grass roots organization for Democrats and independents who work, or have substantial interest in the Tanque Verde area, or the adjacent Sabino Canyon/Kolb corridor, and north of Speedway. Our primary market area consists of 25 precincts.

Formed after the 2004 election, we currently have over 130 members, and no dues. The club holds periodic meetings with prominent speakers, and has eight very active committees, ranging from Get out the Vote to Issues Discussion and Action. Our free "School for Democrats" runs Saturdays and evenings from March 19-30, 2005. Arizona Attorney General Terry Goddard speak to our club on April 19th. There are lots of ways for you to become involved and make a difference! We invite you to join us! For more information go to our [website](#).

Contact:

Steve Larsen, Chairman

Email:

chairman@tanqueverdedems.org

Website:

www.tanqueverdedems.org

GIVE LOCALLY AND REALLY MAKE A DIFFERENCE!

Paid for by the Pima County Democratic Party
Not Authorized by any Candidate or Candidate's Committee

TANQUE VERDE LITTLE LEAGUE

President's Message for 2005

On behalf of everyone associated with the Tanque Verde Little League, I would like to take this opportunity to welcome you and your child to another great year of Little League Baseball and Softball. I will be serving as Tanque Verde Little League's President for the 2005 season. The Board of Directors, along with many other volunteers, have been working hard since the end of last season preparing for the 2005 season. We have some "seasoned" veterans returning for yet another year, and we've been fortunate to gain some new enthusiastic members. The league is here to offer a fun, safe, and structured program for children to gain knowledge of the game; develop their skills; physical, mental, and emotional development; and learn sportsmanship.

This year is going to be another exciting year for Little League in the Tanque Verde Valley. We are eagerly anticipating the start of the season...and hope all of you are too! We want to welcome those of you who are new to our league and we want to welcome back those of you who have participated in our league in previous years. We hope your experience in our league will be a positive and a rewarding one as we look forward to giving YOU our best effort.

We had a fantastic year in 2004 culminating in the win of the All-Star Majors Division Softball State Championship. Congratulations to all the players and coaches!!

One of our goals at TVLL is to make each season better than the one before. One way we are trying to improve is in the way we communicate with all of you. The introduction of the TVLL website should help in this communication process. A big "THANKS" goes out to Mike Puldy, our League Information Officer, for the numerous hours put forth in getting the website up and running.

The website is new for our league, and as the season moves forward, we will be making improvement and additions. It will provide information for managers and coaches; umpires; players; and parents. The website will provide names of the members on the Board of Directors; League Calendar; Local Rules and Regulations; Team Schedules; and Registration, Fundraising, and Sponsorship Information. The website will be our primary means of communicating to you...so, please refer to it frequently for updates and additions.

Another thing we're excited about is our improved registration process. You now have the option of registering your child to play in TVLL using our online registration. I highly encourage you take a look at this option. If you do not wish to take advantage of this option, the registration forms can be printed from our website, filled out at your leisure, and brought in during one of the walk-in registration dates and times.

To make this year a success, we need your SUPPORT and PARTICIPATION. I can attest to the fact that over the years, many long-standing friendships have started as a result of getting involved in our community's Little League. Without a doubt, Little League is a family affair that gives parents and children a common ground for spending time together. With your involvement we can continue the tradition of teaching our children about the game of Baseball

and Softball, as well as teaching the qualities of good sportsmanship and teamwork, which are lessons our children will keep with them for a lifetime.

The best thing about TVLL is that we require nothing more than a willingness to give a little something back to the kids. Whether you are coaching the players, helping run the concession stand, keeping score, or providing the after game snack, your family will enjoy being a part of the Tanque Verde Little League. Most of all, you will appreciate the benefits of your enthusiasm and involvement in your child's activities.

Tanque Verde Little League functions entirely as a volunteer based organization to serve the children within the Tanque Verde Valley. We depend on people like you and I to organize and conduct every aspect of the program. I would like to thank all of you who volunteered your time last year and have signed up again this year to help out. Your time and effort is commendable and very much appreciated. It is through our collective efforts that our children will have a meaningful experience with TVLL, one they will take with them the rest of their lives.

We work very hard to keep registrations fees as low as possible. Our fee structure does not cover the entire cost of uniforms, field maintenance, umpires and the equipment needed to maintain our facilities. The difference comes from our fundraising efforts (e.g., the Hit-A-Thon) as well as corporate and private sponsorships. The support from businesses within our community each year is critical -- they donate thousands of dollars in sponsorship monies to the league in order for us to operate. Please take the time to thank our sponsors each time you can...without them, it would be tough to offer the standard of Baseball and Softball play we have all come to expect and enjoy within Tanque Verde Little League.

Finally, please remember that Little League Baseball and Softball is for the kids, not the parents. The League's primary purpose is for us to teach fundamental Baseball and Softball skills, good sportsmanship and teamwork, but most important, is that your child has fun. Please attend your child's games because it really means a lot to them when you are there supporting them. The season moves quickly, but the memories will last forever.

Please feel free to contact me personally at 235-4759 or 749-9621 should you have any questions, concerns, and yes, even praise for a job well done by one of our many volunteers. Remember, all of our volunteers give freely of their time to provide a healthy and wholesome, family oriented activity for the children of our community.

Once again, Thank You for your continued support and participation in TVLL, and good luck for the upcoming season!!

Very Truly Yours,

Greg Walker
President, TVLL



Did you know? Our competitive coaches are VERY qualified. Meet them here.

What's Here:

- Home
- Recreational Soccer
- Citywide/Competitive
- TVSC Calendar
- Mission Statement
- **Volunteers Needed**
- **Registration 2005**

Reference:

- Referee Info
- Soccer Hierarchy
- TVSC Structure
- Team Directory
- Game Schedules
- Age Eligibility

Board of Directors:

- Membership
- Meeting Minutes

Resources:

- News Archives
- Paperwork
- Coaches Corner
- Soccer Glossary
- Summer Soccer

TVSC Opening Day is September 24th at Emily Gray JHS.
[see your coach for details.](#)

Tanque Verde SC ended Mail-In Process
Registration 2005 Aug 20 Deadline 08.26

Coaches - please submit your paperwork to our registrar.
[click here for the paperwork.](#)

2005 In-House / Recreational Season
Schedules now available [click here to download](#)

TVSC Specialty Training [click for information](#)
First half of season: 09/08 thru 12/08. Second half of season: 01/09 thru 04/09.

Interested in refereeing In-house / Recreational games? [Click here!](#)

Welcome!

This website is designed as a resource for parents and players interested in the Tanque Verde Soccer Club (TVSC). With over 500 soccer players registered for the 2005 - 2006 season, TVSC offers many soccer opportunities and experiences. Please click on the links to the left or on the banners above for information that may be of interest to you. Additionally, there are some "Registration Quick Tips" below for both players and coaches.

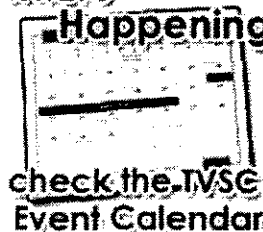
Next Board Meeting:

Wednesday, October 5th - 6PM - Lew Sorenson Rm #2

11100 E. Tanque Verde Road, Tucson, AZ 85718

- Open to the public, so please come by!

What's Happening?



check the TVSC
Event Calendar

08/14/05 @ 9:44pm

Read the Newsletter!



•news
•updates
•& more!

Issue 1 : 05/06/05

Tanque Verde Soccer Club
8987 E Tanque Verde #309-397
Tucson, AZ 85749-9610

News and Notes:

08/14/2005 - Calendar Updated

Please download the update calendar by clicking the link on the left.

08/10/2005 - Registration Quick Tips

Please download the NEW and UPDATED (07.18.2005) registration form. [It can be found here.](#)

Not sure what age group your child is eligible for? Check the [age chart](#) (.pdf format) or try this handy form:

Birth Month: <input type="text"/>	Birth Year: <input type="text"/>	<input type="button" value="Calculate Age Group"/>
--------------------------------------	-------------------------------------	--

Want to be a TVSC Coach for In-House / Recreational soccer? Please fill out an **Administrator Registration Form** and a **Administrator Disclosure Form**. [Paperwork can be found here.](#)

Interested in TVSC soccer season dates and events? Please click on the TVSC Calendar link.

Curious about some the changes occurring with the 2005 - 2006 season? Please click on the link of the Newsletter mailed last May.

Want to Volunteer for a TVSC Committee or get involved with the Board? Please check out the "Volunteer" link.

[more news and notes...](#)

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Business Name:

Address:

Miles**

**Olive Garden**
[Web Site](#) [Gift Certificate](#)

Serving Tanque Verde, AZ

**Panda Express**
[Web Site](#)

Serving Tanque Verde, AZ

**Red Lobster**
[Web Site](#) [Gift Certificate](#)

Serving Tanque Verde, AZ

Los Betos
(520) 886-0561 [Web Site](#)9495 E Golf Links Road
Tucson, AZ [Map](#) 5.2**Frankie Z's Stopani's Restaurant**
(520) 790-1682 [Web Site](#)5754 E 22nd Street
Tucson, AZ [Map](#) 8.4**Kampai Sushi Japanese Restaurant**
(520) 325-6552 [Web Site](#)4689 E Speedway Boulevard
Tucson, AZ [Map](#) 9.2**Querobabi Cafe**
(520) 203-8414 [Web Site](#)102 N Alvernon Way
Tucson, AZ [Map](#) 10.3

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520-886-08067290 East Broadway Blvd. Suite A
Tucson, AZ [Map](#) 6.2**Michael M Katz CPA**
520-326-6877 [More Info](#)3060 North Swan Road
Tucson, AZ [Map](#) 9.1**Patrick J Reidy**
520-408-9501 [More Info](#)3795 North Oracle Road Suite 103
Tucson, AZ [Map](#) 14.2**Redsun Bookkeeping**Full service business and individual bookkeeper and accountant. Tax services. Cash flow consultation. Accounts payable & receivable. Payroll services. Sales tax reports. [Web Site](#)**Tw Thompson and Assoc**Our firm offers a full range of accounting services at competitive prices. Our objective is to give our clients a quality, personalized service. [Web Site](#)

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